

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-00315-MR**

<b>CALVIN JEROME WOMIC, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FNU CORTEZ,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff's "Default Judgment" [Doc. 16], which the Court construes as a motion for entry of default.

Plaintiff Calvin Jerome Womic, Jr., ("Plaintiff") filed this lawsuit on July 1, 2021. [Doc. 1]. On September 9, 2021, Plaintiff's Complaint survived initial review as to Plaintiff's claim against Defendant FNU Cortez for violation of Plaintiff's Fourteenth Amendment rights based on the use of excessive force. [Doc. 9]. Defendant Cortez was served by summons on September 29, 2021 and his answer to Plaintiff's Complaint was due on October 10, 2021. [Doc. 13; 11/3/2021 Docket Entry]. Defendant Cortez, however, has not answered the Complaint or otherwise defended this action. On January 25, 2022, the Court, therefore, ordered Plaintiff to take further action to prosecute this case against Defendant Cortez. [Doc. 15].

Plaintiff timely filed the pending motion, which the Court construes as a motion for entry of default. [Doc. 16]. As grounds for entry of default, Plaintiff states that Defendant Cortez has not answered or otherwise defended this action. [Id.]. The Court will grant Plaintiff's motion and direct the Clerk to enter default in this matter under Rule 55(a) of the Federal Rules of Civil Procedure. Plaintiff may now move for default judgment under Rule 55(b)(2).

**ORDER**

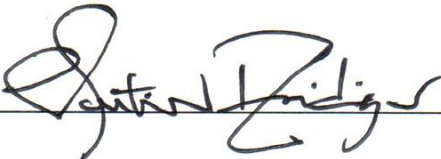
**IT IS, THEREFORE, ORDERED** that Plaintiff's motion for entry of default [Doc. 16] is **GRANTED**.

The Clerk is **DIRECTED** to enter default in this matter against Defendant Cortez.

The Clerk is **DIRECTED** to mail a copy of this Order to the parties in this matter. The Clerk is instructed to mail Defendant's copy to his last known place of employment, the Gaston County Sheriff's Office, 425 Dr. M.L.K. Jr. Way, Gastonia, North Carolina 28052.

**IT IS SO ORDERED.**

Signed: February 8, 2022

  
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Martin Reidinger  
Chief United States District Judge

